

# **EXHIBIT C**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

SIA HENRY, MICHAEL MAERLANDER,  
BRANDON PIYEVSKY, KARA SAFFRIN,  
and BRITTANY TATIANA WEAVER,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

BROWN UNIVERSITY, CALIFORNIA  
INSTITUTE OF TECHNOLOGY,  
UNIVERSITY OF CHICAGO,  
THE TRUSTEES OF COLUMBIA  
UNIVERSITY IN THE CITY OF NEW  
YORK, CORNELL UNIVERSITY,  
TRUSTEES OF DARTMOUTH  
COLLEGE, DUKE UNIVERSITY, EMORY  
UNIVERSITY, GEORGETOWN  
UNIVERSITY, MASSACHUSETTS  
INSTITUTE OF TECHNOLOGY,  
NORTHWESTERN UNIVERSITY,  
UNIVERSITY OF NOTRE DAME DU LAC,  
THE TRUSTEES OF THE UNIVERSITY OF  
PENNSYLVANIA, WILLIAM MARSH RICE  
UNIVERSITY, VANDERBILT  
UNIVERSITY, and YALE UNIVERSITY,

Defendants.

Case No.: 22-cv-00125  
Honorable Matthew F. Kennelly

**JURY TRIAL DEMANDED**

**DECLARATION OF ERIC L. CRAMER IN SUPPORT OF  
MOTION FOR INTERIM CO-LEAD CLASS COUNSEL**

I, Eric L. Cramer, hereby declare as follows:

1. I am Chairman and an Executive Shareholder of the law firm of Berger Montague PC, counsel of record for Plaintiffs in the above-captioned matter. I am a member in good standing of the State Bars of Pennsylvania and New York. I make this declaration on my own personal knowledge in support of the motion of Plaintiffs Sia Henry, Brandon Piyevsky, and

Brittany Tatiana Weaver to appoint the law firms of Gilbert Litigators & Counselors, Roche Freedman LLP, and Berger Montague PC as interim co-lead class counsel for the proposed class (collectively, “Proposed Interim Co-Lead Class Counsel”) and Fegan Scott as Liaison Counsel. If called as a witness to testify, I could and would testify competently to the following facts.

2. Described by *Chambers & Partners* as a “[b]outique firm with deep expertise in complex antitrust litigation,” Berger Montague PC pioneered the antitrust class action and has been engaged in the practice of complex and class action litigation for more than fifty years. Since its founding by David Berger—one of the “fathers of the class action practice”—Berger Montague has been a leading national advocate for clients and class members in many of the most important complex antitrust cases ever litigated, including, serving as co-lead counsel most recently in the largest private antitrust settlement ever achieved (approximately \$5.62 billion) in the *Payment Card Interchange Fee & Merchant Discount Antitrust Litig. (In re Payment Card)*, MDL No. 1720 (E.D.N.Y.) and the largest single-defendant settlement ever for a case alleging delayed generic competition in *In re: Namenda Direct Purchaser Antitrust Litig.*, No. 15-cv-7488 (S.D.N.Y.) (\$750 million). The firm is headquartered in Philadelphia with offices in San Diego, Minneapolis, and Washington, DC. Attached hereto as **Exhibit 1** is a short firm profile focusing on our antitrust practice.
3. Berger Montague PC is currently lead or co-lead counsel in more than two dozen of the largest and most complex antitrust class actions in courts around the country, including:
  - Le v. Zuffa, LLC*, No. 15-cv-1045 (D. Nev.) (co-lead counsel representing a class of mixed martial arts fighters)
  - In re Google Digital Advertising Antitrust Litig.*, No. 21-md-3010 (S.D.N.Y.) (co-lead counsel for the class of publishers against Google)
  - Fusion Elite All Stars v. Varsity Brands LLC*, No. 20-cv-3390 (E.D. Pa.) (co-lead counsel for the class of gyms against an alleged monopolist in the All Star Cheer market)

*In re Rotavirus Vaccines Antitrust Litig.*, No. 18-cv-1734 (E.D. Pa.) (co-lead counsel for class of healthcare providers who purchased pediatric rotavirus vaccines)

*In re Geisinger Health and Evangelical Community Hospital Healthcare Workers Antitrust Litig.*, No. 21-cv-00196 (M.D. Pa.) (co-lead counsel for class of healthcare workers)

*Simon & Simon, P.C., et al. v. Align Technology, Inc.*, No. 20-cv-03754 (N.D. Cal.) (co-lead counsel for class of dental practice purchasers of clear dental aligners and scanners)

*In re Broiler Chicken Grower Antitrust Litig. (No. II)*, No. 20-md-02977 (E.D. Okla.) (co-lead counsel for class of chicken farmers)

*In re Bystolic Antitrust Litig.*, No. 20-cv-5735 (S.D.N.Y.) (co-lead counsel for class of direct purchasers of pharmaceutical products)

*In re EpiPen Direct Purchaser Litig.*, No. 20-cv-827 (D. Minn.) (co-lead counsel for class of direct purchasers of pharmaceutical products)

*In re Lipitor Antitrust Litig.*, No. 12-cv-2389 (D.N.J.) (co-lead counsel for the class of direct purchasers) (co-lead counsel for class of direct purchasers of pharmaceutical products)

*In re Niaspan Antitrust Litig.*, No. 13-md-2460 (E.D. Pa.) (co-lead counsel for the class of direct purchasers) (co-lead counsel for class of direct purchasers of pharmaceutical products)

*In re Opana ER Antitrust Litig.*, No. 14-cv-10150 (N.D. Ill.) (co-lead counsel for the class of direct purchasers) (co-lead counsel for class of direct purchasers of pharmaceutical products)

*In re Commodity Exchange, Inc., Gold Futures and Options Trading Litig.*, No. 14-md-2548 (S.D.N.Y.) (co-lead counsel for a class of sellers of gold investments)

4. The firm has won verdicts and settlements recovering over \$40 billion for clients and class members. Examples of recent successes in antitrust class actions include:

*In re Payment Card Interchange Fee and Merchant Discount Antitrust Litig.*, No. 05-md-1720 (S.D.N.Y.) (settlement of approximately \$5.6 billion)

*In re Namenda Direct Purchaser Antitrust Litig.*, No. 15-cv-7488 (S.D.N.Y.) (\$750 million class settlement)

*King Drug Co. v. Cephalon, Inc.*, No. 06-cv-01797 (E.D. Pa.) (\$512 million class settlement)

*In re Domestic Drywall Antitrust Litig.*, No. 13-2437 (E.D. Pa.) (settlements totaling \$190.7 million)

*In re Commodity Exchange, Inc. Gold Futures & Options Trading Litigation*, No. 14-md-02548 (S.D.N.Y.) (settlements totaling \$152 million)

5. The U.S. edition of *The Legal 500* has recommended Berger Montague PC as a “Top Tier Firm” for representing plaintiffs in antitrust class action litigation and describes the firm as “excellent,” “easy to deal with,” and “noted for the depth of its team.” The Firm has also appeared on *The National Law Journal*’s “Hot List” of the Top Plaintiffs’ Law Firms in the United States in twelve of the last fifteen years the list was compiled (from 2003–2017). Beginning in 2018 and each year thereafter, *The National Law Journal* and Law.com have included Berger Montague PC in its list of “Elite Trial Lawyers,” recognizing law firms that “have done exemplary and cutting-edge work on behalf of their clients and are established leaders in the area of plaintiff law.” *Id.* Similarly, *Chambers & Partners* has repeatedly named the Firm a leading, “Band 1” national antitrust law firm for multiple years running. Berger Montague has served as lead or co-lead counsel in myriad antitrust cases representing plaintiff classes alleging price fixing, vertical trade restraints, monopolization, and other anticompetitive conduct in diverse markets.
6. Managing this case on a day-to-day basis for Berger Montague will be me, Caitlin Coslett, Robert Litan, Daniel Walker, and Hope Brinn.
7. **Eric L. Cramer.** I am Chairman of Berger Montague and is also Co-Chair of the Firm’s antitrust department. I have a national practice in the field of complex litigation, primarily in

antitrust. I am currently co-lead counsel in multiple significant antitrust class actions across the country in a variety of industries and is responsible for winning numerous significant settlements for his clients totaling well over \$3 billion. Most recently, I have focused on representing workers claiming that anticompetitive practices have suppressed their pay, including cases on behalf of mixed-martial-arts fighters, luxury retail and healthcare workers, and chicken growers. I just finished up serving as one of the main trial counsel in a two-week jury trial in *In re Capacitors Antitrust Litig.* (N.D. Cal.), which resulted in a \$160 million class settlement just before closing arguments.

8. In 2020, *Law360* named me a Titan of the Plaintiffs Bar, and *Who's Who Legal* identified me as a Global Elite Thought Leader, stating that Mr. Cramer “comes recommended by peers as a top name for antitrust class action proceedings.” In 2021, *Chambers & Partners* ranked me in the top tier nationally in antitrust, observing that “He excels in economic analysis. He is a real leader;” and that I have “a great presence in court and at trial,” and is at the “[t]op of the profession; a phenomenal lawyer who is an expert on economics.” In 2019, *The National Law Journal* awarded me the 2019 Keith Givens Visionary Award, which was developed to honor an outstanding trial lawyer who has moved the industry forward through his or her work within the legal industry ecosystem, demonstrating excellence in all aspects of work from client advocacy to peer education and mentoring. In 2018, I was named Philadelphia antitrust “Lawyer of the Year” by *Best Lawyers*, and in 2017, I won the American Antitrust Institute’s Antitrust Enforcement Award for Outstanding Antitrust Litigation Achievement in Private Law Practice for his work in *Castro v. Sanofi Pasteur Inc.*, No. 11-cv-07178 (D.N.J.). In that case, I represented a national class of physicians challenging Sanofi Pasteur with anticompetitive conduct in the market for meningitis vaccines, resulting in a settlement of more than \$60 million for the class.
9. I have stewarded multiple cartel cases to successful resolution as co-lead counsel, including *In re Dental Supplies Antitrust Litig.*, No. 1:16-cv-696 (E.D.N.Y.) (Cogan, J.) (one of four co-leads) (Section 1 price-fixing case against dental supplies distributors that resulted in an

\$80 million settlement in 2019) and *In re Domestic Drywall Antitrust Litig.*, 13-md-2437 (E.D. Pa.) (one of 3 co-leads) (Section 1 price fixing cases against drywall manufacturers that resulted in settlements totaling more than \$190 million). I was also co-lead counsel in connection with a ground-breaking settlement in an antitrust case relating to the over-the-road fleet payment card market in *Comdata*, which provided for \$130 million in cash plus valuable prospective relief that rolled back much of the conduct plaintiffs had challenged. *Id.* And I litigated as co-lead counsel an antitrust case against Abbott Labs, which settled for \$54 million after three days of trial. *Meijer v. Abbott Labs.*, Nos. 04-cv-1511, 07-cv-5985 (N.D. Cal.). I am also currently co-lead in multiple antitrust class actions, including *Le v. Zuffa, LLC*, No. 15-cv-1045 (D. Nev.) (one of 3 co-leads); *In re Google Digital Advertising Antitrust Litig.*, No. 21-md-3010 (S.D.N.Y.) (one of 3 co-leads for the class of publishers); *Fusion Elite All Stars v. Varsity Brands LLC*, No. 2:20-cv-3390 (E.D. Pa.) (one of 3 co-leads); and *In re Rotavirus Vaccines Antitrust Litig.*, No. 2:18-cv-1734 (E.D. Pa.) (one of 2 co-leads).

10. **Caitlin Coslett**, Co-Chair of Berger Montague's Antitrust Department, also has a recognized track record of successful results for antitrust classes. In 2019, for example, Ms. Coslett was named a "Next Generation Lawyer" by the *Legal 500* in the Civil Litigation/Class Actions category. In 2018, the American Antitrust Institute recognized Ms. Coslett for "Outstanding Antitrust Achievement by a Young Lawyer" for her work on behalf of the direct purchasers in *In re Lidoderm Antitrust Litig.*, No. 14-MD-2521 (N.D. Cal.), in which the direct purchaser claims settled for \$166 million.
11. Ms. Coslett has a substantial track record of success for the classes she represents. As co-lead counsel in *In re Solodyn (Minocycline Hydrochloride) Antitrust Litig.*, No. 1:14-md-2503 (D. Mass.), Ms. Coslett achieved a settlement of over \$70 million in 2017. *See also In re Domestic Drywall*, No. 13-md-2437 (E.D. Pa.) (Ms. Coslett worked on the lead counsel team achieving \$190 million in settlements); *In re Payment Card*, MDL No. 1720 (E.D.N.Y.) (on team achieving settlement in excess of \$5.6 billion); *In re Skelaxin Antitrust Litig.*, No. 12-

md-2343 (E.D. Tenn.) (\$73 million settlement in 2014). Ms. Coslett also played a significant role in the post-trial litigation of *Cook v. Rockwell Int'l Corp.*, No. 90-cv-181 (D. Colo.), a mass tort class action brought on behalf of property owners near a nuclear plant, which settled for \$375 million after two appeals to the Tenth Circuit Court of Appeals. In addition to her litigation work and leading the firm's antitrust group, Ms. Coslett is a member of the firm's Diversity, Equity, and Inclusion Task Force and a member of the LGBTQ community.

12. **Dr. Robert Litan**, shareholder, Robert E. Litan is both an experienced antitrust attorney and a Ph.D. economist, with an extensive 40-plus year research publication record (as author or co-author of 30 books and over 250 articles in academic and popular publications) and economic expert testifying experience in over 20 legal or administrative matters. He has brought that experience to his class action antitrust litigation practice, working with economic experts and on economic aspects of antitrust matters, including his work on this matter, his ongoing work in *In Re Google Digital Advertising Litig.* and his prior work with economic experts in *In Re Foreign Exchange Benchmark Rates Antitrust Litig.* (S.D.N.Y., No. 13 Civ. 7789 (LGS), and *In Re Google Play Consumer Antitrust Litig.* (N.D. Cal., No. 3:20-CV-05761-JD).
13. Dr. Litan is also a former Deputy Assistant Attorney General in the Justice Department's Antitrust Division, where, among other things, he directed the Department's first investigation of monopolization by Microsoft (which resulted in a consent decree in 1994), the initial stages of the Department's price-fixing investigation of NASDAQ (which also resulted in a consent decree in 1997), and personally directed the Department's settlement reached in December 1993 with the remaining Defendant, MIT, that did not sign an earlier consent decree in the Department's investigation of financial aid price-fixing through the "Overlap Agreement" between universities in the Ivy League and MIT. The terms of the DOJ-MIT settlement were partially incorporated into the text of the Section 568 antitrust exemption, at issue in this case.



14. **Daniel J. Walker** is a Shareholder and member of the firm's antitrust department and practices in Washington, DC, where he has been named a Super Lawyer for 2020-2021. Mr. Walker rejoined the firm in 2017 from the Federal Trade Commission, where he was an attorney in the Health Care Division. Mr. Walker litigates complex cases on behalf of consumers and workers and has helped recover hundreds of millions of dollars on behalf of plaintiffs. Significant past successes include *In re Loestrin 24 Fe Antitrust Litig.*, No. 13-md-2472 (D.R.I.) (settlements totaling \$120 million for purchasers of hormonal birth control pills), *In re High Tech Employee Antitrust Litig.*, No. 11-cv-2509 (N.D. Cal.) (settlements totaling \$435 million for workers in the high tech industry), *Adriana Castro, M.D., P.A., et al. v. Sanofi Pasteur Inc.*, No. 11-cv-07178 (D.N.J.) (\$61.5 million settlement on behalf of pediatricians who purchased meningococcal vaccine), and *In re Titanium Dioxide Antitrust Litig.*, No. 10-cv-318 (D. Md.) (settlements totaling \$163.5 million for purchasers of titanium dioxide).
15. **Hope Brinn** is an Associate in the Philadelphia office and practices in the Firm's Antitrust group. Prior to starting at the Firm, Hope clerked for the Honorable Janet Bond Arterton in the United States District Court for the District of Connecticut. Hope is a graduate of Swarthmore College, where she was a Lang Opportunity Scholar and Truman Scholar, and the University of Michigan Law School, where she was a Darrow Scholar.
16. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on this 7th day of February, 2022, in Philadelphia, PA.

A handwritten signature in black ink, appearing to read 'Eric L. Cramer', with a horizontal line underneath the signature.

Eric L. Cramer